

Town of Shrewsbury - Board of Selectmen
Richard D. Carney Municipal Office Building-Selectmen's Meeting Room
100 Maple Avenue
Monday, November 17, 2003 at 7:00 PM

Minutes

Present:

Maurice DePalo, Thomas Fiore, Philip Hammond, John Lebeaux, and Michael Hale, Assistant Town Manager. Mr. Fiore called the meeting to order at 7:03pm.

Preliminaries:

1. Approve bills, payrolls and warrants #0439 in the amount of \$262,432.02 and #0440 in the amount of \$8,074,451.02.
2. Approve Minutes of October 27, 2003 and November 3, 2003. Motion made, seconded and unanimously voted to approve.
3. Announcements – No announcements this evening.
4. Town Manager's Report – Nothing other than what is on the Agenda.

Meetings:

5. 7:00pm – Sign Bond Anticipation Notes (BAN) – Carolyn Marcotte, Treasurer. Ms. Marcotte was present and advised the Board that she was asking the Board to approve the renewal of the \$27,000,000 Bond Anticipation Notes related to the Middle School renovations, land acquisition for Allen Farm and Parker Road renovations. She also advised the Board that in the absence of Mr. Card, Clerk of the Board, a temporary clerk has to be appointed to read and sign the note. Motion was made, seconded and unanimously voted to appoint Philip Hammond as temporary Clerk. Mr. Hammond read the following into the minutes.

I, the Clerk of the Board of Selectmen of the Town of Shrewsbury, Massachusetts, certify that at a meeting of the board held on November 17, 2003, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appears upon the official record of the board in my custody:

Voted: to approve the sale of \$27,000,000 Bond Anticipation Notes of the town dated November 26, 2003, payable November 24, 2004 at par and accrued interest plus the premiums indicated as follows:

<u>Number</u>	<u>Denomination</u>	<u>Interest Rate</u>	<u>Premium</u>	<u>Purchaser</u>
1	\$13,000,000	2.00%	\$102,180	Wachovia Bank, National Association
2	10,000,000	2.00	83,500	Advest, Inc.
3	4,000,000	1.21	160	A.G. Edwards & Sons, Inc.

Further Voted: to confirm the consent dated November 13, 2003 to the financial advisor bidding for the notes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date and time of the meeting was filed with the Town Clerk and a copy thereof posted in the office of the Town Clerk or on the principal official bulletin board of the town at least 48 hours, including Saturdays but not Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the notes were taken in executive session, and that the official record of the meeting was made available to the public promptly and remains available to the public, all in accordance with G.L. c.39, s.23B as amended.

Motion was made to accept the motion as read by Mr. Hammond, seconded and unanimously voted.

6. 7:05pm – Shrewsbury Development Corp. – update. Michael, Traynor, Richard Ricker, Pat Convery, Chris Boehm and Hannah Kane, chairman of the Shrewsbury Development Corp. were present. Ms. Kane advised the Board that the Corp. had selected Worcester Business Development Corp. (WBDC), as their partner in developing the Allen Farm property. She introduced David Forsberg, Tom Miller and Michael Lanava of WBDC, to the Board. Ms. Kane outlined WBDC's qualifications for the project. She pointed out that not only do they have the expertise; they are also able to make the financial commitment to fund the predevelopment costs without further funding from the town. Predevelopment would include a marketing analysis that would help determine what type of businesses would be interested in the location and other areas that would be competing for those businesses. It would also be used in determining the best uses for the property, type of building, etc. and what tax revenues could be realized by the town. Upon completion of this component of the development Ms. Kane said that she would like a public hearing to be held to enable the town to seek legislation for the project. She added that she would like to have the project remain flexible and not to not tie itself to one type of business. Mr. Forsberg agreed on a flexible approach as well. Ms. Kane said that the conceptual plan should be ready for the SDC's next quarterly update with the Board in February or early March. Mr. Fiore replied that the Board would take their recommendations under advisement and will let SDC know their comments very shortly.

Public Hearings:

7. 7:45pm – Elsa's Eatery, 27-33 Boston Turnpike, Jon Oliveri, manager. Wine and Malt Beverages Pouring License and Common Victualler's License. Hours of Operation Monday-Thursday 10:30am-8:30pm, Friday-Saturday 10:30am-9:30pm. Jon Oliveri, applicant, was present. He outlined the plans for the restaurant which basically would be counter service for sandwiches with a sit down area serving sauté type meals in the evening. No changes are planned as far as layout. Mr. Fiore advised that reports from department heads were favorable with no CORI received at this time. In response to questions from the Board Mr. Oliveri said that there would be parking on both sides of the building. Mr. DePalo asked if he intended to open on Sunday at all and added that if he did plan to do so at some future time that it should be included in the hours of operation now. After a short discussion, Mr. Oliveri asked to have Sunday opening hours included in his application from 12:00noon until 9:00pm. Motion was made to approve the application by Elsa's Eatery, Inc., Jon Oliveri, manager, for a Wine and Malt beverages Pouring License and Common Victualler's License, 27-33 Boston Turnpike. Hours of operation Mon.-Thurs. 10:30am-8:30pm, Fri.-Sat. 10:30am-9:30pm and Sunday 12:00 noon-9:00pm. Motion seconded and unanimously voted.

Old Business:

8. Avalon Bay 40B – Decision. Avalon Bay representatives Michael Roberts and Stephen Schwartz were present along with Town Engineer Jack Perreault and Town Consultant, Judy Barrett. Mr. DePalo recused himself to avoid the appearance of conflict of interest as his company does business with Avalon Bay at times. Mr. Fiore said that the Board was being asked to vote to authorize the chairman to sign the application for Avalon Bay to apply for a 40B permit which would be ready in approximately two weeks for signature. Ms. Barrett advised that this approval would give Avalon the ability to apply for 40B project eligibility through the Zoning Board. This is the initial authorization to make application to the state. Motion was made to authorize the chairman to sign the application when prepared and the Board would be allowed to review the document prior to signing. Motion was seconded and approved with 3 in favor and one abstention. Mr. Fiore said that he would ask the Board to reaffirm the vote at the next meeting when Mr. Card would be present. In response to concerns voiced by a resident, Mr. Schwartz said that there will be opportunities for residents to make their concerns known through public hearings once the application goes to the ZBA.
9. Shrewsbury Development Corp. – appointment. Table until December 1st meeting.

New Business:

10. 2004 License Renewals – Class 1, 2, 3, Common Victualler's, Alcoholic Beverages, Misc. Renewals such as Lord's Day, Livery, Bowling Alley, Billiards, Weekly/Sunday Entertainment, Antique

Dealers, Auctioneers, Automatic Amusements and Movie Screen. Motion was made to approve 2004 Common Victualler's, Alcoholic Beverages, Misc. Renewals such as Lord's Day, Livery, Bowling Alley, Billiards, Weekly/Sunday Entertainment, Antique Dealers, Auctioneers, Automatic Amusements and Movie Screen license renewals pending receipt of payment. Motion was seconded and unanimously approved. Motion was made to approve 2004 Class 1, 2, 3 license renewals pending receipt of payment. Motion was seconded and voted three in favor with Mr. Fiore abstaining.

11. Early closing Town Hall December 24, 2003 at 12:00 noon. Motion was made, seconded and unanimously voted to approve.
12. Request from Michael Belanger, 7 Wendell Street, to use the Town Common and Gazebo for a wedding on May 14, 2004 at 4:00pm. Shrewsbury Congregational Church has approved. Item tabled until the December 1st meeting. Mr. Fiore will contact the First Congregational Church regarding fees and policy for use of the Town Common and Gazebo in light of more requests due to the renovations to Town Center. Mr. Hammond said that the applicant should also be notified of the construction in the Center.
13. Ann Cairns, 20 Glen Gery Road for Welcome Wagon. One Day Wine & Malt Beverages License for wine tasting at The Sumner House, 5 Church Road, Wednesday, November 19, 2003 from 7:00pm to 10:00pm. Motion was made, seconded and unanimously voted to approve.
14. Petition from Anglin Lane residents to waiver parking ban. Forward to Chief Sampson for response prior to the next meeting on December 1, 2003.

Mr. Lebeaux said that he would like to begin a discussion to bring forward to the Annual Town Meeting an article to change the position of Town Clerk from an elected to an appointed position. The Board will begin this discussion as New Business on December 15th.

Executive Session:

15. Value of real property and pending litigation.

Communications:

16. Noted copy mailed: E-mail from Tony Veale, 5 Jamie Lane re Recent driveway/sidewalk repairs at Jamie Lane and response from Eric Denoncourt, Engineering Dept. Mr. Perreault advised that the developer had been contacted but he had nothing to report at this time.
17. Noted copy mailed: Fax from Loitherstein Environmental re Schedule Update for 32 Maple Avenue.
18. Noted copy mailed: Letter for Dept. of Revenue re new Bureau of Accounts Field Representative.
19. Noted copy mailed: E-mail from Michelle Wistaris re Route 20 traffic. Forward to Chief Sampson for update on situation. Mr. Hale will contact CMRPC re their study. Board to respond to Ms. Wistaris.
20. Noted copy mailed: ZBA Hearing Minutes, 10/14/03, Chinh Vu, 53 Hancock Street
21. Noted copy mailed: ZBA Hearing Minutes, 10/14/03, Peter L. Bryan, DDS, 48 Maple Avenue.
22. Noted copy mailed: ZBA Hearing Minutes, 10/14/03, Paul & Joan Cahill 50 Main Circle.
23. Noted copy mailed: ZBA Hearing Minutes, 10/14/03, Goodall & Sons Tractor Co., Inc., 683 Hartford Turnpike.
24. Noted copy mailed: ZBA Hearing Minutes, 10/28/03, Joanne Adams, 164 So. Quinsigamond Avenue.
25. Noted copy mailed: ZBA Hearing Minutes, 10/28/03, Dolores Simulevich, 50 Mercury Drive.
26. Noted copy mailed: Mr. Morgado's letter to Quaranta Post re club license.
27. Noted copy mailed: Central Mass. Regional Planning Commission - CMMPO Meeting Notice.
28. Noted copy mailed: Letter from Westborough Board of Selectmen re Call to Action to Prevent the Closing of Westborough District Court. Mr. Fiore attended a meeting at the Westborough court today on keeping the court open.
29. Noted copy mailed: Memo from Dept. of Housing & Community Development re FY2004 Cold Relief Brochure (brochure on file in BOS office).
30. Noted copy mailed: Shrewsbury Parks & Recreation News, November 2003.
31. Noted copy mailed: Invitation from WBDC to Legislative Breakfast. Mr. Fiore said he would like to see a response to this invitation. Please respond to Mrs. McCoy.
32. Noted copy mailed: ZBA Hearing Minutes, 9/30/03, Paul Cerrone, 15 No. Quinsigamond Avenue.
33. Noted copy mailed: School Committee Meeting Agenda, 11/19/03.

34. Noted copy mailed: Memo from Mr. Morgado re Draft Resident Parking Regulations. Board to review and contact Mr. Morgado or Chief Sampson with any concerns. Question on hanging tags versus stickers.
35. Noted copy mailed: Westborough Treatment Plant Special Board Meeting Minutes, 10/20/03 and Regular Board Meeting Minutes, 10/8/03.

Motion was made, seconded, and unanimously voted to adjourn at 8:24pm.

Respectfully submitted,

Janice C. McCoy
Secretary